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New York Law School

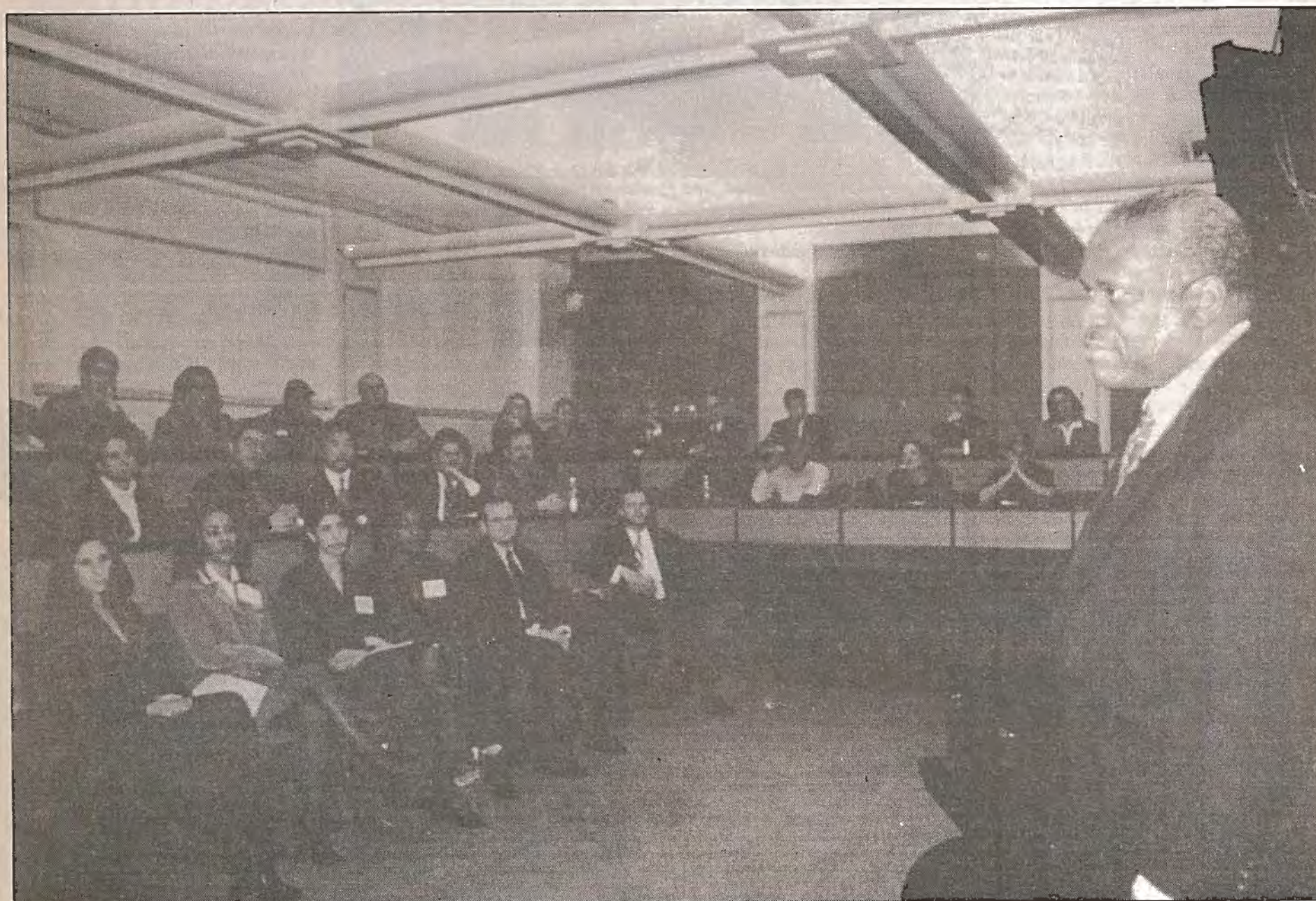
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The Voice of the New York Law School Community

All Rise.

Volume 1, Number 4

May 1999



The Honorable Clarence Thomas meeting with NYLS students for an informal 'question and answer' session after presiding over the Annual Wagner Moot Court Competition on March 14.

OFFICE OF PUBLIC AFFAIRS / SUSAN TANNENBAUM

Justice Thomas Visits New York Law School

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Supreme Court of the United States
Washington, D.C. 20543

CHAMBERS OF
JUSTICE RUTH BADER GINSBURG

March 26, 1999

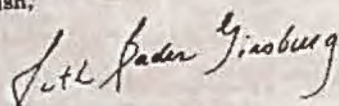
Baruch Cohen, Editor-in-Chief
the L
New York Law School
47 Worth Street, Room L2
New York, NY 10013-2960

Dear Mr. Cohen:

Appreciation for the copies of the March 1999 issue of the L. I am glad to have them as souvenirs of the February 12 dinner. May I request 6 more to send to special friends and relations?

Enclosed, an article with some thoughts on the question you raised.

Every good wish,



Ruth Bader Ginsburg

Enclosure

Thank you Justice Ginsburg and all our readers for your continued support.



If it matters to NYLS, it's in the L.

NEWS BRIEFS

Dean Comments on Rankings System

In a memo e-mailed to students on April 5 1999, Dean Harry Wellington responded to student concerns over the recent change in NYLS' ranking in *U.S. News and World Report's* annual graduate schools survey. (*America's Best Graduate Schools*, March 29, 1999).

Stating that he took the same position when NYLS went up in the *U.S. News* ranking in 1996 and 1997, Wellington labeled the ranking as "wrong-headed in its goals and fatally flawed in its methodology. It sells magazines, but it tells us nothing of the true value to anyone of an education at any one of these institutions."

The Dean went on to say that NYLS "has an excellent and dedicated faculty," as supported by student evaluations. He went on to praise the student body, and told them that they would value their education

even more after graduation. He closed the memo assuring that the change in ranking would not affect the dedication of the faculty and administration to improving NYLS.

Multi-Cultural Fest A Big Success

Many were in attendance as NYLS held its Fifth Annual Multi-Cultural Festival on Thursday, April 15.

The evening began in the Broad Student Center with a free buffet of foods from all over the world. Edibles were provided by the various cultural student organizations at NYLS.

The event continued in the Stiefel Reading Room with multi-cultural talent showcase including performances from the Korean Traditional Performing Arts Association, Singer Moshe Shapiro, and The Golden Dance Co.



For more Barrister's Ball photos, see pages 8 and 9.

Thomas Presides over Wagner Competition at NYLS

Meets With Students for Q&A

Mark Demetropoulos
and Eddie Westfield

On March 14, the Honorable Clarence Thomas of the U.S. Supreme Court visited NYLS to preside as the Chief Justice in the final round of the annual Robert F. Wagner, Sr. National Labor and Employment Law Moot Court Competition. Associate Justices were: former National Labor Relations Board (NLRB) Member John Neil Raudabaugh, NLRB Regional Director for N.Y. Daniel Silverman, Professor Nadine Strossen of NYLS, and the Honorable Sonia Sotomayor of the United States Court of Appeals for the Second Circuit. The Moot Court Associations from New York University and Southern Methodist University were the finalists.

The subject matter of the Wagner Competition concerned a labor dispute. The first issue centered on whether the pertinent facts presented met the Title VII Bona-Fide Occupational Qualification (BFOQ) exception in hiring practices based on gender. The second issue was whether defendant reasonably accommodated plaintiff's disability pursuant to the Americans with Disabilities Act. The fact pattern was based on the popular television program, *Beverly Hills 90210* (*MacKay v. Peaches Restaurant*). NYU won the final round.

The Justices complimented both teams on their presentations and efforts. Justice Thomas especially thanked Professor Strossen for inviting him. He stated that although they split on many issues, he finds her to be "a person of dignity, personality and great character."

Afterwards, accompanied by Professor Strossen, Thomas met with a group of NYLS students for a brief but frank question and answer session. He began by positing that "congeniality" is the key to being a good litigator.

al view on abortion is irrelevant when deciding abortion issues before the Supreme Court.

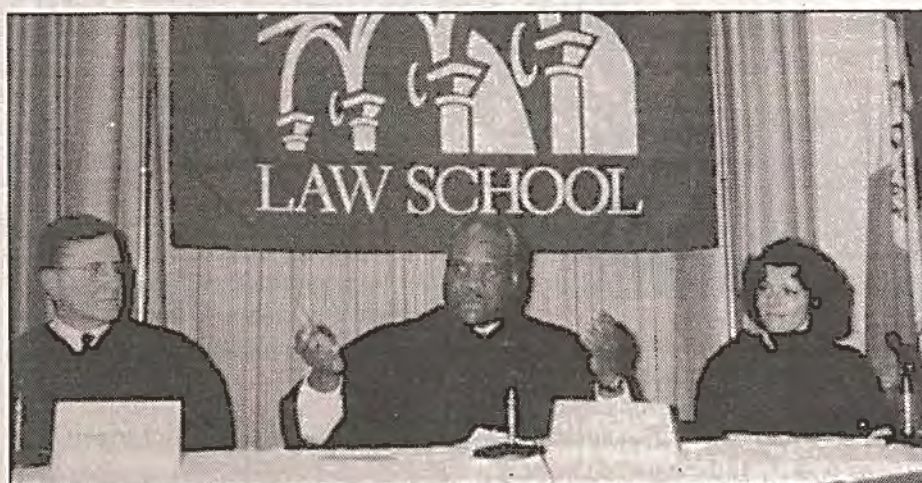
When asked how religion interacts with the law, Thomas stated again that personal beliefs and religious views should not

Thomas responded that he does not believe his duty is to fill any void or satisfy any agenda, but to rule on the law to the best of his abilities. He believes that the Justices of the Supreme Court do not fill any agenda. The Supreme Court exists to interpret the Constitution in the best interest of the people, and not its own.

When asked how he goes about choosing his clerks, Justice Thomas claimed that by tradition most Supreme Court Clerks come from the top law schools (mainly Ivy League.). He noted that the Court selects its clerks from the top of their class, in any law School. To stray from this trend would be a disservice to the Court.

On a personal note, Justice Thomas responded to inquiry into his extra-curricular activities during high school, college and law school. In high school, he was Editor of Yearbook and involved in the Latin Club. At Holy Cross College, where he received his Bachelors Degree in 1971, Thomas was responsible for drafting the college's Black Student Union Constitution. He was also a member of the Black Law Students Union at Yale Law School, where he received his Juris Doctorate in 1974. On this note, Thomas advised the students to stay involved with student activities.

Thomas closed by saying it was a pleasure and honor to mediate the Wagner competition and to meet the students of NYLS. As he left, he posed for candid snapshots with various students.



On the Bench: (left to right) John Neil Raudabaugh, Esq., Justice Clarence Thomas and Professor Nadine Strossen presiding over the Wagner Moot Court Competition at NYLS

Justice Thomas stressed his belief that the Supreme Court is not influenced by lobbyists or political opinions. "When I, as a Justice, decide a case," he said, "I do not go beyond the traditional legal model." He went on to state that he does not let his own personal or political views get in the way of his decisions. As an example, he noted that if he were in the position of President, he would have dealt with the Haitian immigration matter differently than he did when the matter came before the Supreme Court. (*Haitian Refugee Center, Inc. v. Baker*, 502 U.S. 1084, 112 S.Ct. 1073 (1992)). He also discussed how his person-

al affect the deciding of cases.

When asked to comment on being called "the best possible choice for nomination to the Supreme Court," Thomas indicated he would have been happy as a Federal judge in the more informal environment of Courts of Appeals for the D.C. Circuit. He explained that when the President of the United States nominates you to sit on the Supreme Court, you simply do not refuse.

A question was posed on how Thomas views his critics who believe that he has not fulfilled the Supreme Court void left by the late Justice Thurgood Marshall.



The Whole Picture: In Case You Missed It

"LAW/MEDIA/CULTURE: Legal Meaning in the Age of Images" Panel Held at NYLS

We are living in an "age of images." In our times, images supersede other modes of communication. Projecting images has become the norm and forever a part of our popular culture. On March 5, 1999, NYLS's Law Review and



Cynthia Litman

Executive Editor

Professor Richard K. Sherwin presented a symposium that brainstormed the myriad of ways our popular culture has been defined. In particular, the symposium examined the polarity of law and popular culture. The law permeates our conceptions of popular culture as popular culture transforms our laws and modes of persuasion.

What is a story? This seemingly simple question provides no answer. Throughout the day, each speaker revealed certain truths through words, trial accounts and visual aides. Ironically, there were no exact truths. The discussion revealed vari-

ous aspects about our legal system including, concepts of justice, the truth and how images and stories give rise to a sense of justice. The more dramatic the story, the more identifiable the image, the more people listen.

Professor Ann Kibbey discussed how popular conceptions of beauty fog individual mystique. In order to sell its product,

the media utilizes what the masses perceive as beauty. In turn, the individual relentlessly pursues unrealistic goals imbibed from popular expectations. The outward comparison and expectation lowers the overall moral. The Jon-Benet Ramsey case perfectly demonstrates society's skewed image of beauty. This little girl and her beauty pageant pictures were displayed in every medium. The pictures triggered public sentiment and awareness. However, young girls should not see their peer looking like a sex kitten and follow suit.

Next, Elayne Rapping introduced us to the concept of "revenge justice." Here, melodramatic televised trials invoked adverse emotional responses by the public audience. "Revenge

justice" gratifies repressive desires. For example, a victim who seeks justice against a criminal predator when the law pleads ignorance is a hero. The audience cheers on the hero. The law and revenge justice merge via televised trials. The jury now includes the home audience. The law, and subsequently justice, becomes entertainment. "Revenge justice" and "images of justice" requires the use of melodrama to attract attention and convey the truth. This formula was adapted by mainstream television programs such as in "America's Most Wanted." The show targets family audiences by channeling fears and strategically pitting victims against anti-social predators. The predator is at large and cannot be brought to justice. The events are

deliberately dramatized to immediately gratify the audience. Melodramatic stories with horrifying images overwhelm the senses and obstruct logic in exchange for the sense of instant justice.

Austin Sarat probed the cultural unconscious. Underlying the unconscious is the universal theme of parenthood. In a paternalistic world, the focus is on the father/son relationship. Clint Eastwood's "A Perfect World" utilizes this theme. The general fear of losing the father/son relationship and filling this void creates a dependency on, and an association with, idealistic and external relationships. If the law is presented in a "fatherly way" then the audience can obtain the

Continued on page 10

Editorial

Can You Talk to Me?

During a recent trip out West, I learned about the hype surrounding the Las Vegas real estate market. Interestingly, in contrast to the NYC real estate industry, title insurance companies and brokers play a much more active role than lawyers in both commercial and residential Vegas real estate transactions. In fact, as several attorneys and real estate brokers indicated to me, lawyers in Vegas "do not do Closings."

Just as laws differ by jurisdiction, the nature of legal practice differs from city to city. Attorneys have both a social and business responsibility to adapt to these differences in practice. The good lawyer knows how to adapt to various legal environs and communicates effectively in any context. The better lawyer even creates new contexts when necessary.



B. Cohen

Editor-in-Chief

That the high volume Vegas market employs fewer attorneys than the NYC market does not change the general character of the attorneys' work. Even if they do not work on the surface of a real estate transaction, Vegas attorneys will inevitably involve themselves in related legal work, including but not limited to corporate transactions, insurance agreements and/or environmental due diligence.

Some attorneys move behind the scenes and others act as catalysts. The attorney who communicates well succeeds in most of his or her endeavors, wherever they may occur.

Good luck and best wishes to all graduating and continuing students. May you continue to communicate and succeed wherever you go. I will see you either in court or at the 'closing table.'

What I've Learned So Far...

"I've never let my schooling interfere with my education." —Mark Twain

We learn more outside the classroom than in the classroom; that which Lauryn Hill terms one's "Miseducation." Based on my own life experiences, I agree with this presumption. This feeling only gets stronger once one begins law school. Consider alone the amount of reading one must prepare for each class meeting. Couple this with how a law student approaches other aspects of life after one year through the ringer. Speaking only for myself, below are a few of the things I have learned in my first year at NYLS.

I've learned that one's grades are not directly related to one's intellectual ability, organization or perseverance. Perhaps it is a combination of these factors. Perhaps it involves more. Many view law school as a mere process of cutting corners. However, in order to succeed one must cut the right corners. Perhaps then it is instinct that governs one's prowess. I on the other hand cannot cut corners; I must work from start to finish. On top of that, I get easily distracted. Why else would I be writing this editorial when I should be working on outlines? The end result is that I feel my legal education is somewhat incomplete. Anybody know the number for BarBri?

I've learned that this place is kind of cliquey. I speak only from observation. One person suggested that we change the name of this institution to New York High School. Let's examine. The "campus" is nothing more than an amalgamation of connected buildings. Students keep their books and coats in lockers. One's first year consists of classes with the same group of students throughout. By its nature, this law school resembles a high school, socially, more than college ever could. However, students approach this social setting with a much more open mind than they probably did in tenth grade. After all, many of us are forming the professional bonds that we will keep throughout our legal careers. Once



Eddie Westfield

Managing Editor

analyzed, anyone who once viewed the NYLS social structure with disdain can actually come to appreciate it.

I've learned that once in law school, friends and family will always hit you up for free legal advice. My suggestion to them? Hire a lawyer. Unless your problem deals with personal jurisdiction, quantum meruit, or adverse possession, I cannot help you right now. People who have never enrolled in law school want to know what it is like. I never have an answer for them, for one must experience it to understand.

I've learned that after the first semester, people start dropping like flies. It makes you think. Some people couldn't cut it. Maybe they didn't have it in them in the first place. If truth be told, there but for the grace of God, go you or I. They will be missed.

I've learned that this school sometimes kicks ass. For example, consider the Barrister's Ball. Depending on when one purchased his or her ticket, the students of NYLS had an opportunity to enjoy an evening at *Tavern on the Green* for a somewhat reasonable price. That night, we ate, drank, danced, and partied like New York's Elite (complete with free VIP admission to the *China Club*). Not bad for a so-called "Third Tier" institution. Hats off to those who made that evening possible.

Finally, I've learned that the position of Managing Editor is not meant for a first year law student. Nonetheless, I find it quite fulfilling, for it has afforded me the opportunity to meet some very important people in the legal community. We, the staff at the L, have proven that a decent student-run newspaper is possible. We want the L to be a reflection of the students: smart, hip, and on the go. Next year, as Editor-in-Chief, I promise to continue improving the status of student related media at NYLS.

To the departing Editor-in-Chief and staff, I wish to extend my thanks for creating the L. To all those graduating, good luck in your future endeavors. To the rest of my colleagues, Have fun this summer. I will see you in August.



Re-established 1998

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The L welcomes submissions from all students, faculty, alumni, staff, and other members of the New York Law School community.

Writers of articles submitted to the L are ultimately responsible for the veracity of any of their articles submitted and accepted for publication. Articles must be written and pre-edited in a professional manner.

The views expressed herein are those of the writers, and not necessarily those of the L, any of its editors or staff members, or the students, faculty, or staff of New York Law School.

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Articles should be submitted on disk (in Word, WordPerfect, or RTF format) with a hard copy attached, by mail, or by placing it in our submissions' box in front of Room L2 in the lower level of the NYLS student center. Articles may also be e-mailed to L@nyls.edu. Along with your submission, please include your name, year, phone number, and photograph (optional). Please address all submissions, letters, and other correspondence to:

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Sleep. Study. Read the L.

To the Editor:

Dave Waldman ("Temple Emmanuel", op-ed, March) is mistaken to assume that one can gain the benefits of a legal education through commercial outlines. As an evening student, I acknowledge that commercial outlines are a good source of additional reference but I don't depend on them as my step-by-step guide through law school.

The study of law requires an understanding beyond the mere fundamentals of a commercial outline. The rigors of legal study provide not only knowledge but also experience. For example, experience in briefing a case or interpreting legal opinion are important aptitudes for any attorney. Such aptitudes must be developed and exercised. A dependence on the views and opinions of a commercial outline, like Emmanuel's, inhibits the develop these aptitudes.

Mr. Emmanuel's assistance doesn't follow you into practice. He doesn't brief all the cases an attorney may need to research in practice and he won't be there to provide analysis. Consequently, no future employer (law firm, client, or otherwise) will take comfort in the fact that their attorney's legal education and only experience in legal analysis is based on a study of commercial outlines.

The cynical declaration that assigned casebook studies are a mere scheme organized to pay back favors between professors or promote the sale of casebooks is ludicrous. One should embrace every opportunity a legal education affords. Read the casebooks, listen to the views of your professors, use commercial outlines, use everything you can to gain as much knowledge as you can. Get all you can from your time in school. One shouldn't be satisfied with a cursory understanding of the law. Law students should aspire to learn the law beyond Mr. Emmanuel's dogma. Consequently, if you do use Emmanuel's, note that he provides a "Casebook Correlation Chart" in the beginning of each outline that serves to link casebook studies with his outlines.

The study of law comes with responsibilities. Responsibilities to the Bar, your clients, and most importantly yourself. For myself, I want more out of my legal education than what Mr. Emmanuel is selling.

—Steven William Santel
Class of 2000



The L assumes no responsibility for the academic affairs of and/or teaching techniques employed at NYLS.

Cui Bono?

There's a story of an applicant for admission to a famous law school, who, when asked by the Dean of Admissions whether he had graduated in the upper half of his university class—replied with great pride, "Sir, I belong to that section of the class that makes the upper half of the class possible."

With that characterization of my status here at NYLS on the record, one might ask how do you get accepted into such an auspicious coterie? Dave Waldman, in just a few strokes with his philanthropic pen, provided a clear pathway in his column, Temple Emmanuel that ran in the last edition of the L.

Waldman identifies the driving force behind his insights as his own philanthropic good nature, "I feel a duty to help all those students that will come after me." Waldman supported his claims with first hand knowledge of a good friend who is getting his J.D. in May and has not bought a book since first semester. The only difference about his degree according to Waldman, "is that his wallet will be a little thicker than yours from the money he saved on law books. He will also be a littler happier with a thick, luxurious head of hair...and no grey."

My first reading of the column left me thinking that the column was a hyperbole—written, "tongue-in-cheek" for humor's sake. I know the writer. We have a mutual friend, and have been out socially. Dave Waldman is a very genuine, soft spoken, serious, and incredibly funny person. So why draw a line just for the sake of drawing a line? Trust me, if not for the adverse response to the column by certain faculty members I might have remained my characteristically quiet self.

Here is the architecture of Waldman's arguments, as I understand them. Each point is followed with my response:

1) The proposition articulated by professors that using study guides is a short cut that will hurt you in the long run is a myth. *This proposition can only be proved or disproved when the "long run" arrives.*

2) The proposition articulated by professors that falling into the trap of relying on study aids will only hurt you is incorrect. *Define "hurt you."*

3) A student can obtain a semester's worth of knowledge by purchasing an Emmanuel's book for \$29.95. *Define "a semester's worth of knowledge."*

4) When professors tell you to stay away from commercial outlines, they display no sense of empathy and tend to mislead students. *This is allegation might just be subjective enough to escape testing.*

5) Professors are trying to make students' lives more difficult. *On some days this does appear to be true.*

6) Law schoolbooks are pesky, more

than expensive, heavy, unwieldy, boring, overpriced, and what is most offensive—superfluous.

7) Law schoolbooks are huge things

replete with judge's long-winded opinions of legalese mumbo-jumbo.

On Points 6 and 7, I agree on "pesky" and "overpriced" while the adjectives may overlap with "heavy" "un-

wieldy," "more than expensive" (with the definition of expensive omitted). And yes some are boring, while some are not. But at last, we part company—perhaps at the heart of the arguments—the proposition that law schoolbooks are superfluous.

The American Heritage Dictionary of the English Language defines superfluous "Being beyond what is required or sufficient." What are the definitions of required and sufficient?

8) Law schoolbooks are a great way to cloud your mind and ruin your day. *Law schoolbooks, like the lottery tickets in Champion v. Ames, 188 U.S. 321 (1903), are not inherently evil.*

Lastly, be wary of the absolutes! Waldman's choice to modify the noun difference with the adverb only, "The only difference is..." See Third Paragraph, *supra*, renders that portion of the argument vulnerable.

Is there another possible difference that the columnist might have overlooked?

Kaboom!

Law Firms Online

Nancy M. López

As the new millennium nears it is difficult to imagine our world without computers. Most of us cannot imagine life without online research and/or e-mail. Our computers have become part of our culture and part of us. These days, it seems that the best way to reach one another is usually punctuated by ".com," ".org" or ".edu;" it also seems that the best way to learn about a particular topic or company is usually prefixed by "http." Although some people are still reluctant to acknowledge the internet and its uses, many recognize its uses and its importance. In fact, a number of schools and businesses provide their students and employees with an e-mail address and access to the internet.

Aside from the immediate benefits of the internet, the net also provides long-term business opportunities for businesses and individuals. The internet provides them with the opportunity to showcase themselves and set themselves apart from the rest. Within the last five (5) years law firms have made tremendous efforts to "get connected" and to make their marks online. Many have recognized the importance of

One other possible difference may not be apparent in the words Juris Doctorate themselves, but might be understood in what the experience that the words Juris Doctorate symbolize. That is to say, the vast intellectual, emotional and perhaps spiritual experiences that are conceived after reading and thoughtfully considering the cases and other assigned materials. These boundless compendiums are replete with ideas and rationales from real people who made up this country's electorate, legislatures and judiciaries. Their stories make up our history and profoundly influence our lives today in very significant ways.

Perhaps a different and richer tapestry might be woven for those that choose not only to read the casebooks but also other reading materials: biographies, non-fiction, lectures, law review articles, the New York Times, magazine and bar association publications. I think you get the idea.

All of this is not to deny that Emmanuel's might shed some much-needed light on some of the black letter law included in the law school's curriculum. It is to say there is something to be gained by reading the cases and perhaps what you do with your degree will be different as evidenced by the fullness of your NYLS education and by what you go on to accomplish in the world with your Juris Doctorate.

At the risk of sounding idealistic, didn't some of us come to NYLS to make a difference?

creating a personal and professional profile that will highlight the firm's area of expertise. As a result, they have contracted entrepreneurs to create web sites for them. These web sites provide many benefits for a law firm. With a web site, a law firm can increase its potential for attracting new clients, benefit existing clients and recruit employees. The internet's flexibility presents infinite possibilities.

A typical law firm web site usually includes historical information about the firm, its founding partners, its current partners, associates, areas of expertise, biographies of each partner and associate within the firm, as well as administrative and personnel department contacts. One of the first law firms to present itself online was Fried, Frank, Harris, Shriver & Jacobson (<http://www.ffhsj.com>). As the web site developed it provided up-to-date press releases and even allowed access to the firm's online library! A good way to start researching law firms is to check out an informative page which lists some of the law firms that are already online. (<http://www.ljx.com>). You'll also find interesting legal articles at this site.

The Fashion World Teams up with the Prison World

America's Newest Brand Name Line

Susan L. Harper

We have heard of the brand names and license properties "Blues Clues" and "House of Blues" and some have even heard of, for mothers to be, "Maternity Blues." But have you ever heard of a new apparel line called "Prison Blues?"

According to a March 1999 report in *License!* magazine, back in 1989, the Oregon Department of Corrections (ODC), in an effort to develop a new inmate work program, began manufacturing denim jeans under the label "Prison Blues." Thereafter, ODC registered the Prison Blues trademark name. In 1997, the citizens of Oregon voted for legislation requiring all prison inmates to work. That same year, ODC signed a licensing agreement, giving the Yoshida Group (YG), a private correctional facilities training group, exclusive rights to use the Prison Blues trademark.

The licensing of branded name properties and trademarks has been around for years. Today, most of us are familiar with product licensing through sports teams such as the NFL, cartoon characters such as Dilbert and Snoopy, designers such as Calvin Klein or Donna Karan, and even celebrity lines such as K-Mart's Jacklyn Smith and Martha Stewart Living lines.

According to *License!* Magazine's 1998 industry reports, sales of licensed merchandise in just the toy and games category in 1998 was US \$10.855 billion worldwide. Licensing of trademarked

properties has boomed since the early 90's, mostly because of soaring manufacturing costs in the United States coupled with the stiff manufacturing competition of low-wage employment overseas. Licensing has enabled firms to lower or virtually eliminate manufacturing costs and breathe new life into marketing and advertising programs. In fact, licensing has allowed many established brand names (and some trademarks that were near extinction) to emerge as powerhouses.

In the case of Prison Blues, YG set up a second company, Array, to handle the marketing of the Prison Blues brand name. Currently, Array is selling men's and women's denim jeans, shirts, hats, jackets, coats and sweats. "Most of the goods are made inside the prison facility," says Array's Marketing Manager, Sherry Rice, "The baseball caps, T-shirts and novelty items, including license plates are sourced through private vendors. All items, including those not manufactured within, are touched by inmates in some way. For example, patches are sewn by inmates on the baseball caps and the T-shirts are screened by the inmates." The cotton T-shirt she refers to has a screen print picture of a group of railroad workers, circa 1900, displaying the Prison Blues brand slogan, "Made on the Inside to be worn on the Outside." All items retail under \$40 dollars.

The agreement between the parties is structured as follows. For every product sold, OCD gets a 6 percent royalty for YG's

use of the registered brand name. "YG handles the production, marketing and sales side, buying the materials, and paying the inmate wages. On the labor side, federal law requires prison inmates to be paid [federally determined] prevailing wages, \$6.50 per hour," says Rice. However, in the case of Prison Blues, the wages are apportioned. Rice says, "80 percent [or \$5.20 per hour worked] of an inmate's earnings goes to victim restitution programs, pro-bono legal work, and support towards the inmate's family. The other 20 percent [or \$1.30] goes into an interest bearing account for the inmate workers, available upon their release."

"There is a two year waiting list for inmates interested in participating in this program," says Rice. "OCD can be characterized as a medium security facility. The inmate workers are people who have committed crimes against others." Rice added, "the workers are interviewed and screened like any other job candidate. They must have excellent behavioral backgrounds. If they don't, they are suspended from the program."

Public works programs have existed for years, and Prison Blues' web site posts that this sort of initiative is win-win for all. Inmates get a chance to pay back society, gain valuable transferable work skills and will have funds in their account upon their release. Moreover, prisoners are kept busy during the day doing more than just menial non-skill developing labor.

What sort of public policy stands

behind a prison correctional facility which creates and licenses a brand name line? It is not unusual within the licensing industry, that the next steps upon establishing brand recognition is the establishment of product line extensions. Will we now have eyeglass frames, mugs, cartoon characters, children's merchandise, video games, perfumes, movie and T.V. deals with fast food chain promotional tie-ins in conjunction with Prison Blues? *License!* Magazine reported YG has already taken steps down this road. Its first experiment was with licensee Crispina Designs (Housatonic, Mass.) with denim handbags. From its report, the new handbag has received much attention that resulted in increased orders and sales. Rice added "we are now selling to over 200 plus retail stores. We have not pursued major department store chains and have no plans for E-Commerce at this time."

But wait! If demand keeps increasing for Prison Blues merchandise how will OCD and YG meet future demands? Will OCD and YG enter into joint licensing agreements to farm out work to other correctional facilities? Will other prison facilities step up and create their own brand names to get a piece of the marketplace? Will we eventually have a New York Prison Blues or L.A. Prison Blues? What will occur on the international level? Will our major apparel competitors and trading partners, such as China or India, create their own prison brand name lines? As consumers

Continued on page 10

WAR (on Drugs), What Is It Good For?!

"WAR — What is it good for?!"

—Edwin Starr

Drugs are a very complicated and talked about concern in today's society. But why? Are we that fascinated with other habits? Are we preoccupied with over-eaters, nail-biters or knuckle-crackers?

Why then do we as citizens of this country obsess over drug users?

The answer is that we have been programmed to. Drug usage is a consensual crime, meaning that all parties involved consent to the activity. Other crimes that fall into this category are prostitution, gambling and pornography. These are also called "victimless" crimes because (if the label isn't self-evident) there is no victim. If we look at the situation from logical perspectives, it is clear that the "War on Drugs" is not working and we need a new game plan. The perspectives I will address are the following: (1) That the illegality of drugs violates our constitutional rights; (2) that the current illegal status of drugs facilitates crime; and (3) that the

illegality of drugs negatively affects the economy and safety concerns. Of course there is the "medicinal uses" argument for certain drugs, but that is a different discussion entirely. My argument applies to ALL drugs, regardless of their health benefits or risks.



Denise DiVitto

Staff Editor

Constitutionality

"A wise and frugal government, which restrains men from injuring one another, which shall leave them otherwise free to regulate

their own pursuits of industry and improvement . . . This is the sum of good government."

—Thomas Jefferson

Liberty to pursue our own endeavors in one of the fundamental principles that this country was founded upon. The duty of the government is to protect us from foreign aggression and individuals that perpetrate crimes against us. It is neither the government's job, nor duty to protect us from ourselves. After the age of majority, our persons and property belong to each

of us respectively and the government should not be able to punish us for hurting our own property. Each time we allow the government to infringe upon our civil liberties we take one step closer to living in a society that is not free. Granted, with these inherent rights and freedoms comes responsibility. And if we, as self-reliant entities, choose to engage in risky behavior, we and we alone become responsible for whatever outcome those behaviors might produce. It is not the job of the state to play "Big Brother," nor is it the job of the State to prevent us from achieving any outcome, good or evil, with this life of ours. Do the words "life, liberty, and the pursuit of happiness" sound familiar?

Crime

Now let us look at this from the criminal perspective. Prohibiting drugs has put them into the hands of criminals, which has created a climate of violence in our cities. 85% of inner city crime is drug related. Gangs revolve around drugs, and violence revolves around the drug trade. If a drug deal goes bad, brutality follows. For instance, if A sells B some crack and B does

not pay, A has no legal recourse to rectify the situation; violence is the only remedy. If drugs were legalized, there would be no loot to fight over. Even if we do catch some dealers, others sprout up in their place. Our criminal justice system has neither the time nor the resources available to handle drug users/sellers. Furthermore, our corrections facilities are busting at the seams trying to house all of them. This, more so than the drugs themselves, threatens our health and safety because dangerous criminals are being let out of jail early to make room for drug users. I don't know about you, but as far as I'm concerned, I'd rather keep those that engage in activity that is imposing on another's person or property imprisoned, instead of those who only harm themselves.

Gang members also use guns to fight for and protect themselves in "turf wars." Parks, street corners and schoolyards are now the jurisdiction of drug dealers. If one dealer tries to infringe on another's territory, he is also infringing on his market share, and every good capitalist knows that this will affect his profit margin. So how can these business people secure their trade

Continued on page 11

Three Countries, Three Perspectives

An Examination of U.S. Expatriate Corporate Securities Attorneys in England, Israel and Spain

B. Cohen
Editor-in-Chief

Introduction

This article informally examines the character of expatriate-corporate/securities attorneys' practices in the above-captioned countries. I wish to extend thanks to all the individuals who volunteered their time to this project, including but not limited to the L and its staff; the attorneys and their offices; and the staff of the stock exchanges of England, Israel and Spain. To respect the privacy of these individuals, I have neither disclosed their names nor any of the specific details of their work to which I have been privy.

London

The streets surrounding the London Stock Exchange somewhat resemble the maze which surrounds the New York Stock Exchange. Although securities work is held in high regard in England, expatriate attorneys are drawn to England not necessarily for the sophistication of the work or the pound sterling's strength. It seems as if expatriate attorneys arrive in England either through American law or investment firms or just simply for a change of pace.

The less rigorous, but more formalistic securities regulation in England interlocks nicely with its less litigious society and more formalistic culture. Unlike the United States, self-regulating entities almost exclusively enforce the United Kingdom's securities laws. Disclosure rules resemble those of the United States, in that the ownership of three percent (3%) of a publicly held security requires disclosure "promptly" (like the 1934 Securities and Exchange Act Rule 13(d) requirement of five percent (5%) within ten days). However, the definition of "promptly" is subject to interpretation.

Each prospectus for a public offering must undergo a "ver-

ification process" which is more formalistic than the due diligence which occurs in the United States. However, attorneys believe that this process lacks the thoroughness of the United States due diligence. In part, this differential reflects the apparently more relaxed European accounting standards. In fact, U.K. standards resemble the International Accounting Standards ("IAS"), which are not as precise as the U.S. accounting rules. Under the IAS, asset "pooling" is easier accomplished than in the U.S. (Purchase accounting or merger accounting is the U.S. version of asset-pooling.)

A special "takeover panel" governs all acquisitions. The panel is an independent body which all banks have agreed to abide by. Interestingly, tender offers require actual commitment by a financial institution and may not be commenced contingent upon financing. Finally, the lack of contingency-cases in England and the fact that shareholders have more power over corporate transactions than in the United States both contribute to the virtual non-

existence of shareholder derivative suits and Director's and Officer's ("D&O") Insurance in the United Kingdom.

One expatriate attorney noted the diversity of Scandinavian, Continental and English standards of securities law. He believes that the English stan-

dards are most evolved. Nonetheless, as the European Union unifies standards of disclosure for public offerings, the orchestration of various international deals will become more homogenous as well.

cent (5%) or more of a publicly held security. Contractual negotiations have additional good-faith requirements.

In some firms every day is casual day. The work here reaches a level of sophistication commensurate with client needs.



HaBursa B'Tel-Aviv (The Tel-Aviv Stock Exchange)

Israel

Expatriate attorneys in Israel have made primary commitments to the country and secondary commitments to the law. They are Zionists who have found a way to use their U.S.-acquired skills as a livelihood in Israel. The language barrier keeps expatriate attorneys out of local litigation, so Anglo-attorneys practice patent law and securities law. The advances of commerce and technology contribute to the demand for such attorneys in Israel. However, before practicing in Israel, an attorney must serve as an "articles clerk" for a year.

One can almost walk past the Tel-Aviv Stock Exchange, because it looks like all the other buildings on its block. In fact, more and more Israeli companies have gone and plan on going public in the United States. Thus, attorneys must advise startups on how to comply with U.S. securities laws even if the particular company does not intend on going public for a few years.

The Israeli securities laws require a party to disclose within one day when holding five per-

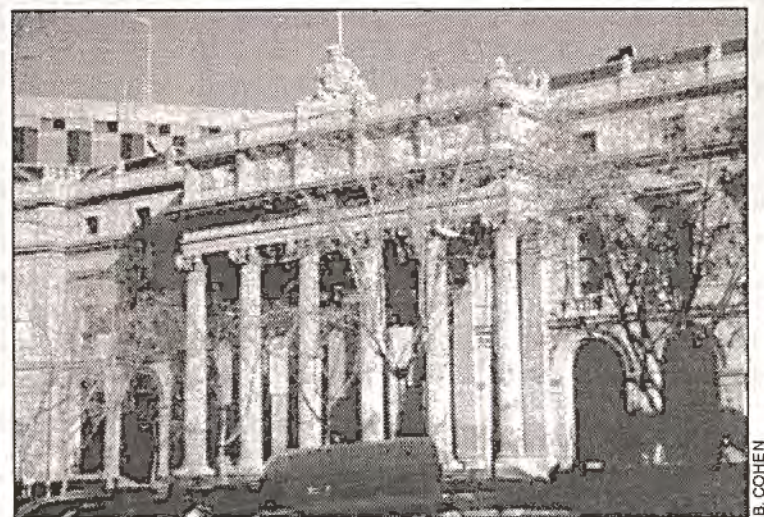
Spain

Although Spanish legal work is no less sophisticated than English or Israeli legal work, its practice is more laid-back in a European fashion. The ornate Madrid Stock Exchange is located

Spanish Companies which go public in New York. Telefonica comprises approximately fourteen percent of the Spanish equivalent of the Dow Jones, and most classic Spanish companies are privately held. Times are changing. In fact, Spanish tax law is beginning to adopt certain concepts found in the U.S. Internal Revenue Code, and legal practices are becoming more internationally homogeneous.

The Spanish equivalent to the SEC, the *Comissió Nacional del Mercado de Valores*, was only created in the last decade. Spain's entrance into the European Community has also given it more opportunity to exploit the service sector.

Like England and Israel, Spain is less litigious than the U.S. and D & O insurance is not common. However, due diligence is necessary, and corporations are becoming more accustomed to these practices. Moreover, the due diligence standards are being brought up to par with the American standards. One attorney indicated that Spanish clients demand more than their U.S. counterparts, and this sentiment leads to less specialization



La Bolsa de Madrid (The Madrid Stock Exchange)

ed in the center of the city near the famous *Museo del Prado*.

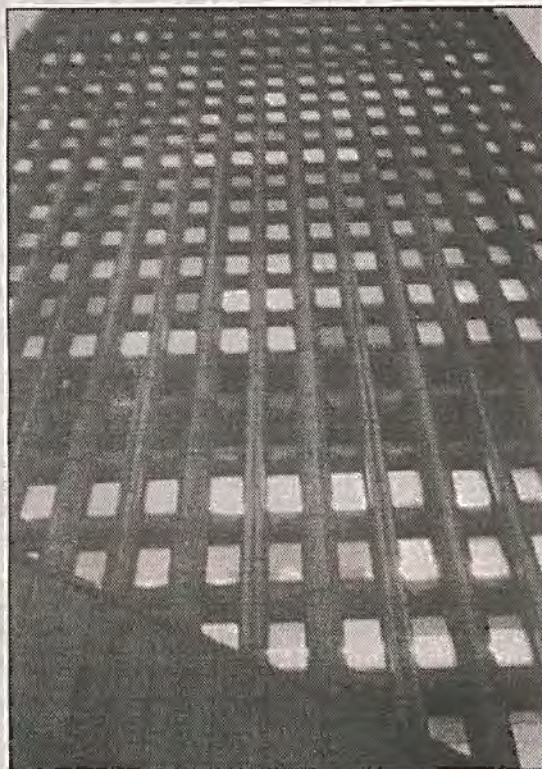
Spanish legal practice seems more nationally focused than internationally focused. Thus, expatriate attorneys in Spain speak fluent Spanish and "import" corporations more frequently than they "export" corporations. Of the three countries discussed in this article, expatriate-attorneys appear least frequently in Spain.

Big banks and oil companies are pretty much the only

amongst lawyers.

Conclusion

The phenomenon of the US securities markets setting the pace for the rest of the world is not new. However, as each of the foregoing countries assimilate, they still retain their unique characteristics. The expatriate attorneys in each country comprise a fairly close-knit network of practitioners, and the demand for Anglo-attorneys abroad is growing.



The London Stock Exchange at twilight

existence of shareholder derivative suits and Director's and Officer's ("D&O") Insurance in the United Kingdom.

One expatriate attorney noted the diversity of Scandinavian, Continental and English standards of securities law. He believes that the English stan-





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Symposium

Continued from page 3

mythical fullness that it desires. This result occurs, because the law projects an image. Regardless of the medium used, this trend ensures that the "jurisprudence of appearances" is the future road to success.

Martha Umphrey explored the interpretative dynamic of trials and media coverage by discussing a 1906 trial. The summary: Stanford White, a victimized wife's former lover and also a famous architect was murdered by her husband. The wife, Evelyn Nesbit was young and beautiful. So beautiful that she drove her husband "mad" and "hypnotized" the jury. The press reveled in the sex scandal and succumbed to the public's demand for detail with explicit coverage of the affair. The enraged husband, Harry Thaw, was characterized as Sir Galahad. The legal account was less effective than the media's. Rather, the stories engulfed the law and steered public opinion. Once the public caught wind, White became "a destroyer of innocence" typical of the "City's dark side" and was feared as a "moral leper." Nesbit became an icon. The story became a legend to be remembered as the "Red Velvet Swing," a movie starring Joan Collins.

This took us to Jeremiah Donovan. The traditional trial attorney caught the audience's attention by taking the microphone and pacing the floor. His current case involves yet another affair. The affair was exposed by a fateful and allegedly libelous letter. The letter emerged during a political campaign and accused one of the candidates of having a venereal disease. Here, we learned how words are dramatic, damaging and damned. However, Mr. Donovan left us on a different note: Technology is taking over the courtroom. Computers appear in courts in an intrusive way and obstruct the jurors view of the attorney while simultaneously interacting with the jury.

Neal Feigenson discussed the melodrama associated with accidents. Specifically, the facts surrounding *Faverty v. McDonalds*, 133 Or.App. 514, 892 P.2d 703 (1995), where a minor worked a double shift and got into a car accident on his way home. The public instinctively blamed McDonalds for the accident. Through various psychological methods the public attributed the blame to McDonalds. The thought process: minors are innocent, corporations have parental responsibilities and corporations cause accidents by exploiting minors. Hence, corporations are bad. Corporate entities are susceptible to blame because jurors are sympathetic to people not fictional entities. The jury would rather skew the facts, create melodramatic alternatives and say how the corporation could have averted the accident before blaming the minor.

Gregory Joseph then presented a videotape which examined the law's innovation in the use of computer animation. This newest addition to the trial technique treasure trove is employed during trials to re-

enact events such as airplane and automobile crashes and product malfunctions. The legal issues concern admissibility and whether the displays are truthful accounts. The displays may be hearsay or fall within the business records exception because they are compilations of data. Beyond the law, lies the question of whether visual representations and other demonstrative evidence will eventually replace human/verbal explanations.

Deborah Lilienthal is a recent graduate of NYLS and specializes in public relations. Public relations is akin to litigation but occurs in the corporate context, in class actions and prosecution and criminal defense strategies. The claim was made that corporations are not on equal footing with people but are feared and blameworthy. Accordingly, corporations need publicity to "establish credibility" and invoke public sentiment to "even the score." As Professor Sherwin noted, "public relations campaigns in the court of public opinion is rapidly becoming a routine adjunct to litigation." The goals are the same, persuade through images and find the perfect pitch. Publicity and advertising are powerful. One must know how to spin out images and utilize identifiable symbols that inconspicuously manipulate the mind in support of one's goals.

Stuart Ewen took us on a philosophical and scholarly journey. He began with a historical account of such masterminds as Freud, Wallace, and Lippman, who throughout time analyzed the mentality of "the crowd." Generally, crowds are driven by impulse and irrationality. Crowds offer a false sense of security within illusions and collective hallucinations. However, good images reach the crowd and create an "optical realm" by which to convey messages. Propaganda is one way to harness group power. Hollywood transforms this fear into entertainment. Hollywood's persuasion tactics include the aforementioned obvious villain vs. victim, "perpetuating the dream-like state, or replicating events and places." Photojournalists emerged by linking actual pictures with stories. Images "masturbate the eye" and are inherently persuasive. Overall, power emerges within moments and instantaneous images expedite the persuasion process.

Professor Sherwin's discussion centered on hyper-real law which he described as the "jurisprudence of appearances." In this domain, appearances and actualities can no longer be clearly distinguished. We live in a world where images reflect other images, and media images are inescapable. Two cases were referenced which discussed the combination of justice and appearances by questioning whether the appearance of cameras in the courtroom violates due process. In one case, *Estes v. Texas*, 391 U.S. 532 (1965), the Court held that the cameras' presence denied due process. Cameras impair fairness and cause law and entertainment to converge.

The other case *Chandler v. Florida*, 449 U.S. 560 (1981), essentially overruled

Estes by holding that with the emulation of technology cameras no longer disrupt the tranquillity and solemnity of the judicial process. Cameras have become safe for due process. Professor Sherwin disputes Justice Berger's disingenuous conclusion urging that the community must be "visually literate" and that the danger lies with the kinds of cases television renders representative. Television always prefers cases featuring sex and violence. Justice Berger's strategy, to beam images of criminal trials across the nation to shore up laws faltering legitimacy, needs to be questioned. The community may think it is witnessing justice. However, televised soap-opera-like trials and the resulting media images they project only appease the media's appetite for appearances of truth and justice.

What better way to end the day than from the perspective of a storyteller? Andie Tucher, a journalist with no legal training, anchored the symposium. The world of a journalist is not that different from a lawyer's world. Journalists are under pressure to disseminate good stories to an unknown audience, and the stories must be newsworthy. The legal profession is the best resource for stories. No matter how ugly a story, a journalist must make it look good. Journalists must appear trustworthy. Trust is lost when an ugly story is sensationalized. The medium becomes a "contest of who can shout the loudest." Furthermore, words and images are easily manipulated. Anyone can tell a story without adhering to responsible mainstream journalism. Responsibility becomes the "beach ball in the crowd."

The panel streamlined itself by incorporating similar themes within different contexts. Words and images are powerful whatever the "truth." The courtroom creates a threshold for drama and an embryo for defining justice within our popular culture. The law is so enticing that it is often confused with entertainment. Mainly because television is the best babysitter. Younger audiences and jurors relate best to sitcom style arguments, buzzwords and images. The judges, attorneys, parties and commentators churn real life and dramas. The trial, accident, scandal, revenge, pitch, effects the individual and the group. A psychological reaction is inevitable.

Responsibly seek your goal. Your message is always subject to interpretation. Ask whether you are striving for an Academy Award, justice or both.

This article is only part of the whole picture. Interested readers may contact the Audio-Visual Department or Professor Sherwin to obtain a videotape or further information about the symposium.

Special Thanks: Professor Sherwin and Jennifer Lukoff



Fashion

Continued from page 6

ers acceptance occurs, will we see Prison Blues sections, like Ralph Lauren Polo, in our major department stores?

Array's parent company, YG, certainly has an advantage over other entities. YG is mainly in the business of training correctional officers and it already boasts US \$77 million in global sales. Moreover, according to License!, Array through YG has "adequate connections to supply and sell Prison Blues world-wide."

From a business perspective, one could certainly question whether an unfair advantage exists here. I posed this question to Rice and she responded, "We operate like any other business. We have to pay our bills like any other business in the private sector." However, I pressed further to find out more about the start-up costs of the operation and asked, "who paid for this plant facility? A regular US manufacturer, has to lease or buy facility space." Rice responded that she was not sure of this question.

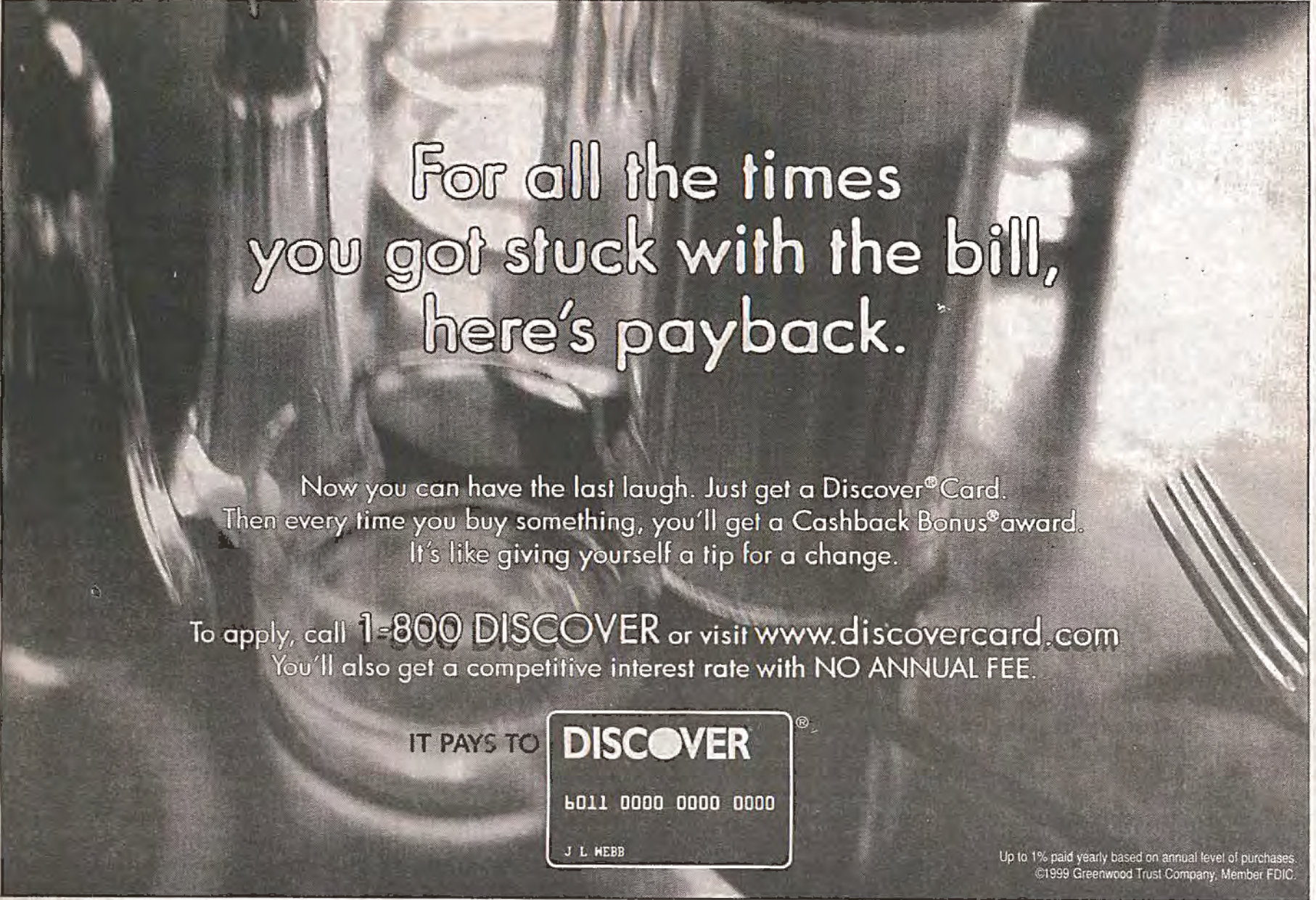
Assume that Oregon state used tax dollars to fund a 47,000 square foot manufacturing facility within the correctional facility premises. If YG only handles the operational costs, would that be an unfair advantage over a private corporation who has to lease or buy space at a premium dollar rate? Furthermore, the factory would be supplied with power, water and amenities. Are these subsidized as well? Likewise, what about health benefits or health care after an accident on the job? A US employer, especially in the apparel industry, must negotiate with unions or set up non-union wages and employee benefits. Does this pose some unfair advantage? Rice did not have an answer here, either.

On the labor side, there is certainly no shortage of inmates in the US prison system. Inmates who participate in this program sew as many as 600 garments a day. What will occur as certain inmates become highly trained and excel in this sort of work? Will their parole possibly be affected if the OCD or YG's Array Corp. do not want to lose their most valuable and trained workers?

According to Rice, "This is the first public-private licensed program of its kind." I asked her if YG and Array had any other plans to work out an arrangement like this with other correctional facilities. She said they were not sure at this time. As for current sales figures, she declined to answer and oddly suggested I contact Oregon State for this information.

Because of its pioneer status, many questions surrounding the development of this licensed, prison apparel line are still unanswered. Whichever way we may feel about this public-private partnership, we can all certainly agree that Prison Blues has taken American capitalism and the licensing craze to a unique level.

To learn more about Prison Blues, log onto <http://www.prisonblues.com>



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Drugs

Continued from page 6

and insure that the demand will continue to meet their supply? Eliminate the competition – by violence, the only means available.

A shining example of how illegality spawns crime is the rise of the Mafia in the 1920's. Within the first year prohibition of alcohol, sixty thousand speakeasies popped up in place of the ten thousand legal drinking establishments that existed previously. Al Capone made fifty million dollars that year! The Mob suffered a major blow when prohibition was repealed in 1933, but was able to bounce back by engaging in the lucrative drug trade.

Drugs are still a boundless money-making business. And whether a kid grows up with or without money, they want it. And selling drugs is the fastest way to get it.

Economics

Which leads us into an economic analysis. Individuals engage in the drug trade, because

there is considerable money to be made. It is a highly profitable business because of the hyper-inflated price of drugs. If drugs were available for a reasonable price in a drug store, there would be no profits to be made in the underground drug trade. No profits means no incentive which means dealers are forced to get jobs and contribute to the GNP. You don't see people peddling six packs of beer in the schoolyard do you? This is because it is legal and reasonably priced, leaving no room for an underground market to come in underneath.

The average sixteen-year-old "runner" works only a few hours a week to earn the equivalent of a full-time job at McDonalds (without having to wear the funny outfit.) These are intelligent kids. They bought into the idea of capitalism and make twenty times more money "dealing" than "flipping." A simple cost-benefit analysis shows the obvious choice. To top it off, the legalization of drugs would create seven million new tax-paying jobs in the United States.

Safety Concerns

Another anti-legalization argument is that drugs are not healthy, so they should be outlawed. This argument, my friends is a very, very slippery slope. Many things in our society are not healthy or not without risk, yet we are allowed to pursue them without repercussion. Just imagine how much our lives would be limited if we were no longer able to enjoy a Big Mac, go skiing or ride a bike in Manhattan? Are not arteriosclerosis, paralysis or broken bones as much of a risk as the munchies?

Now I know what you are thinking, what about the children? Surely they are innocent victims?

Firstly, it is up to parents and teachers to educate children as to the harms and addictive nature of drugs and hope that they make wise choices. Secondly, if drugs were legalized, children would have less exposure to drugs. Drugs should be sold at "drug stores" similar to state liquor stores where identification is needed to get in the front door. Drugs would then be regulated and safer. Most people die from

overdoses, because they do not know what quantity or quality they are ingesting. If drugs were legalized, both the quantity and quality could be monitored.

Maybe, some or all of you are still not convinced, but think about this: How many of your mother's are going to go out and shoot some 'smak' the day it becomes legal? I'd venture to guess that the answer is close to none. The illegal status of drugs is not a deterrent to the great majority of people, in fact it probably has the reverse effect on young people wanting to "rebel" and "be cool."

Another major problem that threatens the health and safety of the world is the spread of the AIDS virus through needle sharing. Drug users and their partners are the fastest-growing segment of AIDS victims, and intravenous drug use is the primary link between AIDS and the heterosexual community. This risk to society could be eliminated with the legalization of drugs and the paraphernalia that goes along with it.

Drugs have been part of our society for hundreds, if not thou-

sands, of years, and only since the government has implemented extremely stringent regulation has drug usage become a severe problem.

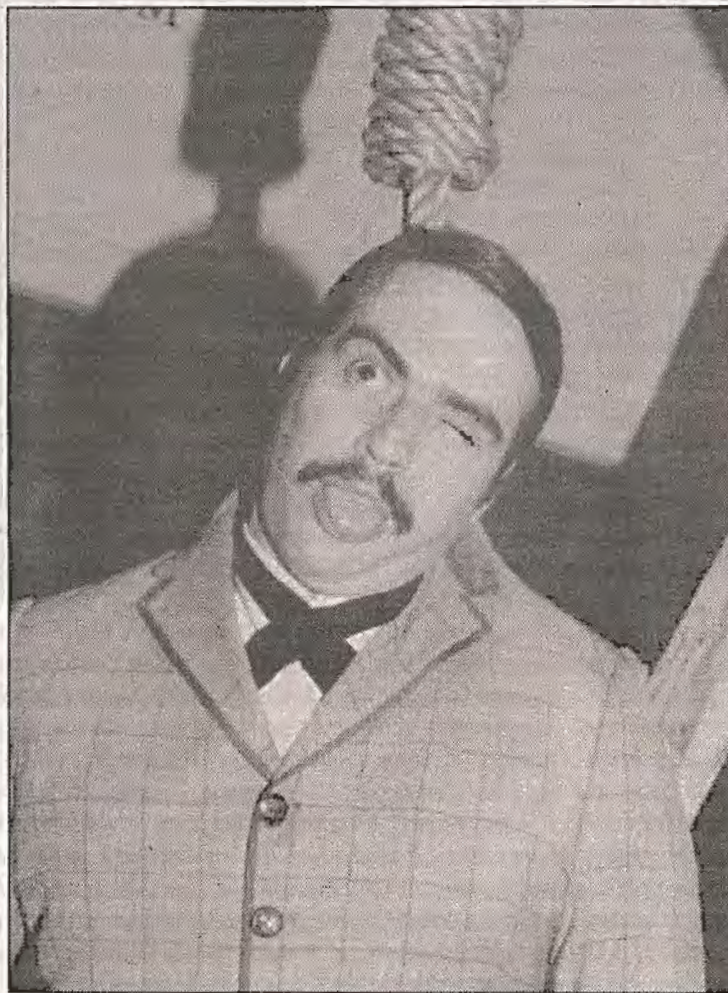
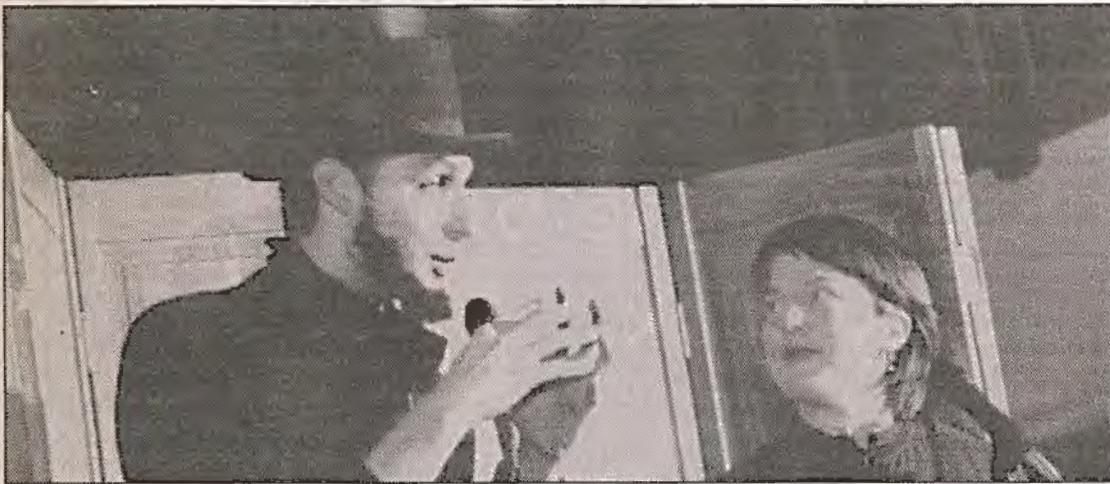
Opiates, such as morphine have been around since the early 1800's, and they were used for their tranquilizing affects and to help women deal with menstruation. In fact, physicians prescribed morphine for more than fifty-four diseases. George Washington and Thomas Jefferson grew hemp. Sigmund Freud was an advocate of the use of cocaine. Former President Ulysses S. Grant was fond of narcotics in general. Many great leaders and minds throughout history have engaged in drug use. Imagine the tragedy had we incarcerated such people and hence, never allowed them to reach their full potential. Imagine how many great minds are sitting in prison today for drug use, and the sad truth is that neither they nor we may ever realize their greatness.

Granted, extremely high dosages of some drugs are threatening to good health, but so is

Continued on page 13

Pictures at an Execution

The Mock Trial of John Wilkes Booth



Clockwise from Top Left: the L's Baruch Cohen as Abraham Lincoln with "Bailiff" and Stage Manager Tamra Meinke; Professor Gerald Lebovits as "The Judge;" Kim Arestad for the Defense; The Cast and Crew of the Mock Trial; Professor Armando Belly as Confederate Spy John Surratt; Yenisey Rodrigues as Booth's Fiancé Lucy Hale; Center: Claude Noriega in full noose playing the part of John Wilkes Booth



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All photographs: PATRICIA DECKER Courtesy: OFFICE OF PUBLIC AFFAIRS Special Thanks: BOB WARD

The Home Stretch

The panic of final exams approaches as everyone struggles to finish—or even start—their outlines. I already have one set of finals under my belt so I feel a little better prepared for the stress I am about to endure. I am better prepared than I was the first time around. Then again, I write this now with at least 2 weeks before finals even begin.

Second semester proved to be easier than first semester. I have become accustomed to the stress, the amount of reading, and the over all routine that I have slumped into. Unfortunately, just as I have found my routine, the end of the year is approaching. Year one, part two has been filled with the excitement of Moot Court too. I will soon get my first taste of what it is like to play the role of attorney. Even though I have had the night sweats over it, I look forward to this learning experience. To stand before a judge and argue on behalf of my client is a dream to most, if not all of us. When I was younger and dreamed of attending law school, the idea of being in a courtroom, debating and arguing issues left me anxious with excitement and enthusiasm.

There was one thing this semester, however, which caused me a great deal of anxiety. Choosing classes for my second year was a task I would have done

without if possible. Some relish being able to pick their classes—being in control of their law school career. Not me. I would have been really happy delegating this responsibility to some other party. I

was caught in between taking classes, which would prepare me for the bar, and classes that I wanted out of pure interest. This was such a painstaking process...

Looking back on this semester, I have such a feeling of accomplishment. I've survived the semester, with a little bit of help from a great group of friends. Friends who knew that going out for a drink after getting our briefs back or after a particularly confusing criminal law lecture was an essential part of maintaining our sanity. They have also taught me about the importance of having close relationships in law school. These are the people who understand better than anyone else in my life what I am going through. They understand the frustration of evidence or the trauma of the Team Brief. No one else can understand these things. Not a parent or a boyfriend—no one. All of my friends have made this semester easier to manage and those who may not return in the Fall will be missed. It has been a fun ride, so I know that I will be back. I managed to pick classes, gain summer employment and keep my sanity all at the same time.



**Deana
Ardente**

The First Year
Perspective

Drugs

Continued from page 11

obesity. The government is not rounding up all the obese and putting them in prison until they thin out. Yet, it is medically proven that obesity causes heart disease, high blood pressure and some types of cancer. If the government feels the responsibility to protect people from themselves, it had better forbid the corpulent from going within arms' length of the candy store, right? This analogy seems obviously absurd, yet this is the exact platform that the government stands on to shape its drug policy.

The "War on Drugs" has not worked at all—let alone effectively. The problematic effect the illegality of drugs has on crime, the

economic drain it puts on our society and the blatant constitutional rights transgressed are abominable. As the great Richard Posner put it, "I am skeptical that a society that is tolerant of alcohol and cigarettes should come down so hard on drugs as to even send people to prison for life without parole... We should not repeal all the drug laws overnight, but we should begin with marijuana and see whether the sky falls."

*Note: If the subject matter of legalizing consensual crimes remotely interests you, may I suggest reading **Ain't Nobody's Business if You Do** by Peter McWilliams, a magnificently witty and enlightening book on the topic.*

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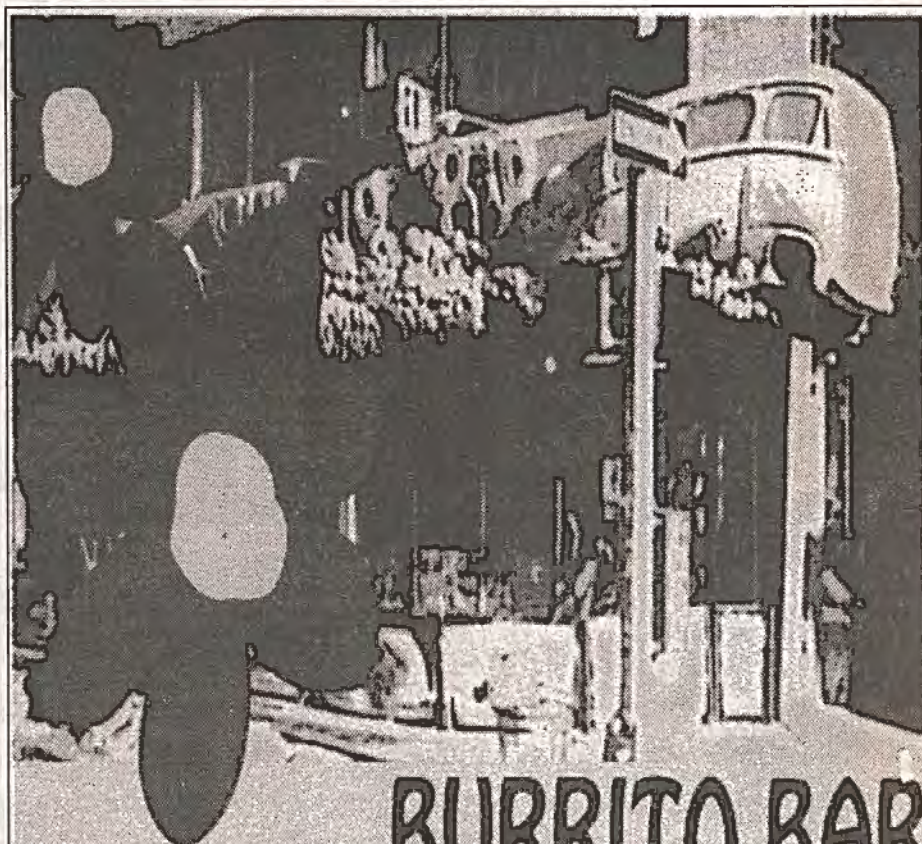
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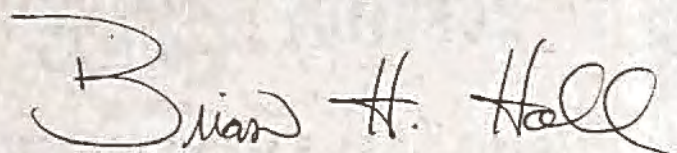
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